

CITY OF CONWAY, ARKANSAS PLANNING COMMISSION

June 17, 2024 • 5:30pm • 1111 Main Street

Planning Commission meeting procedures (per by-laws adopted July 19, 1993; amended September 20, 2021)

*Subdivision Review items are included for consideration as administrative reviews to determine compliance with the Conway Subdivision Ordinance, Zoning Code, and applicable plans. Such items are not conducted as public hearings.

**Order and conduct for public hearings: Following the announcement of the item by the Chair, Planning Staff will present the report findings. Following Staff presentation the Applicant is granted up to 10 minutes for additional presentation with subsequent favorable public comments limited to 3 minutes per person. If opposed parties are present the initial speaker is then granted up to 10 minutes with each subsequent public comment limited to 3 minutes per person. No person shall address the Planning Commission without first being recognized by the Chair and stating his/her name and address for the public record. All questions/ remarks shall be made from the podium and addressed through the Chair to the Commission as a whole. Any group with common interest shall select a speaker to address the Commission on behalf of the group; repetitive comments will be limited.



City of Conway PLANNING COMMISSION June 17, 2024

PLANNING COMMISSION

Rebekah Fincher, Chair Drew Spurgers, Vice-Chair Ethan Reed, Secretary Lori Quinn Mark Ferguson Alexander Baney Jensen Thielke Jay Winbourne Brooks Davis Teneicia Roundtree

The Conway Planning Commission makes recommendations to the City Council on public hearing items. Items reviewed on this agenda will be considered by the City Council as early as 06 25, 2024.

Items not approved by the Planning Commission/Board of Zoning Adjustment may be appealed to the City Council within 30 days of the date of denial.

Call to Order [Board of Zoning Adjustment] and Roll Call.

Finding of a Quorum.

Variance Review**

A. Request for a variance to allow the following adjustments for property located at 1695 S German Ln (VAR-0524-0067)

1.Reduced minimum lot depth to varied dimensions due to lot configuration — 100-foot requirement.

- 2. Request for a reduced front setback (6-foot) 25-foot requirement.
- 3. Request for reduced rear setback (10-foot) 25-foot requirement.
- 4. Reduced landscaped setback parallel to street (5 foot-25 foot) 25-foot requirement.

Adjourn.

Ι.

Call to Order [Planning Commission] and Roll Call.

Finding of a Quorum.

Approval of Minutes. May 20, 2024

I. Subdivision Review*

A. Request for preliminary plat approval of Encore Subdivision (SUB-0524-0077)

II. Public Hearings**

A. Request to rezone property at 2510 Tyler St from R-1 to PUD (PUD-0424-0053)

III. Announcements/Additional Business

A. Items as decided by the Commission

Adjourn.

The following item is for consideration by the BOARD OF ZONING ADJUSTMENT consisting of the members of the Planning Commission

Request for Zoning Variance: Request to allow reduced setbacks and lot dimension

West of the intersection of S German Ln, Lacroix Ln, and Bill Bell Ln

APPLICANT/AUTHORIZED AGENT

Brandon Foiles Crafton Tull 1000 Ledgelawn Drive Conway, AR 72034

<u>OWNER</u>

Barry Macon Restoration House of Praise Ministries 1920 Hallous Street Conway, AR 72032



SITE DATA

Location. 1695 S German Ln.

Site Area. ±1.81 acres.

Current Zoning. S-1 (Institutional District).

Existing Structures. A 4,000-sf religious facility.

Overlay. None.

Requested Zoning Variances.

- 1. Reduced minimum lot depth to varied dimensions due to lot configuration 100-foot requirement.
- 2. Request for a reduced front setback (6-foot) 25-foot requirement.
- 3. Request for reduced rear setback (10-foot) 25-foot requirement.
- 4. Reduced landscaped setback parallel to street (5 foot-25 foot) 25-foot requirement.

General Overview. The applicant is proposing to construct a 2,295-sf addition to the existing church on the property. Due to topographical constraints from grade, further development to the north is not feasible and the church's expansion necessitates the request for the above variances. The property was rezoned from A-1 (Agricultural District), with a conditional use permit granting Religious Activities, to S-1 at the April 15, 2024, Planning Commission meeting O-24-34. The rezone voided the existing conditional use permit and the new zoning designation now allows the approval of variance requests, if applicable.





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Zoning Code.

1. Variance request for reduced minimum lot depth (§310.3, "Each lot must be a minimum of one hundred (100) feet in depth at its shallowest point with the depth measured at right angles or radial to the centerline of the street.")

2. Variance request for reduced front setback from the required 25' (§310.3, "Minimum front yard 25'.")

3. Variance request for reduced rear setback from the required 25' (\$310.3, "Minimum rear yard 25'.")

4. Variance request for reduced 25' landscaped setback (\$310.4, "For lots that are one (1) acre or more in size and one hundred fifty (150) feet or more in width at the building line, there shall be a twenty-five (25) foot landscaped setback parallel to and abutting any boundary street that shall be provided and maintained by the owner with restricted parking allowing no wheeled vehicles.")

Basis of Variance Review. In accordance with §702.2 the Zoning Code, the Board of Zoning Adjustment, consisting of the members of the Planning Commission shall, *"Hear and decide variance requests from the literal provisions of the Zoning Code in instances where strict enforcement of the Zoning Code would cause undue hardship because of circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Code."*

STAFF COMMENTS

- The constraints to the developable space to the north push all developable areas to the south of the existing structure.
- Due to the surroundings, lot shape, and topographical conditions of the property, the strict application of the Zoning Code would result in an undue hardship to the church for future expansion. With the existing church footprint already having reduced rear setbacks, the granting of a reduced rear setback would be required for the new addition as well.
- To pull appropriate building permits, the applicant will have to undertake site development and subdivision review; platting of the property will require the appropriate amount of right of way dedication along S German Ln (30'). This will dedicate portions of the front setback buildable area including existing parking spaces as well as landscaping area.
- With the front setback reduced from 25', the required 25' front landscaping setback will also have to be reduced. There is already existing parking in the required landscape setback, and staff are requesting to waive that section of the Zoning Code as it only applies to S-1 lots. This parcel is not in a standard lot configuration where enforcing the landscaping buffer is practical.
- There are parking constraints existing on site, and not allowing parking in the landscaping setback would affect existing established parking.
- All existing parking along S German Ln may remain, but in the event of street improvements projects, will be required to be removed, if necessary. No expansions can be made to the existing parking lot along S German Ln to further encroach into right of way.

STAFF RECOMMENDATIONS

Planning Staff recommends approval of the requested variances, with suggested conditions below, on the basis that they would allow for the subject property to be redeveloped and would not likely result in harm to adjacent property. Suggested conditions of approval:

- 1. Variance Permit No. VAR2010DEC01 will be voided and will be replaced by this variance permit.
- 2. Variances only apply to the existing church structure and addition, as proposed, and will not be applied to any future structures on site.
- 3. Building setbacks will be established as follows:
 - -Front: 6 feet
 - -Rear: 10 feet
 - -Side: 25 feet
- 4. The 25' landscape setback requirement as required by the Zoning Code will not be required on the section of property south of the intersection of S German Lane and Bill Bell Lane. The 25' landscaping buffer is required along the S German Ln frontage north of the intersection.
- 5. A fully opaque fence of a height no less than six (6) feet shall be constructed/maintained along the western property line where any building abuts R-1 property.
- 6. Any existing vegetation along the western property line shall be left in an undisturbed state.
- 7. The parking lot along S German Ln shall not be expanded further into right of way and may eventually be required for removal should public improvements occur in the right of way.
- 8. The applicant shall be required to obtain site development review approval and plat the property prior to the issuance of building permits.
- 9. The variance shall lapse and void if the construction for the addition has not commenced within eighteen (18) months.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request with conditions indicated in the staff report on the basis that, as conditioned, the variance will not likely negatively impact adjacent property.



Conway Planning and Development 1111 Main Street Conway, AR 72032 501-450-6105

To whom it may concern:

Crafton Tull is seeking a variance for 1695 South German Lane, Conway, AR for a reduced minimum lot depth, which is currently mandated at 100 feet. The new depth would be variable due to the shape of the parcel. The variance would bring the existing property and building layout into compliance with the City of Conway ordinances.

Sincerely,

Brandon Foiles, SI Survey Lead 501-339-2837 Crafton Tull and Associates 1000 Ledgelawn Drive Conway, AR 72034

Request for Zoning Variance: Request to allow reduced setbacks and lot dimension

West of the intersection of S German Ln, Lacroix Ln, and Bill Bell Ln



I.A

Permit №. **VAR2010DEC01** GL: 51424SE

VARIANCE PERMIT City of Conway, Arkansas

PROPERTY DESCRIPTION / ADDRESS / LOCATION:

A part of the NE¹/₄, SE¹/₄, Section 24, T-5-N, R-14-W, Faulkner County, AR Described as beginning at the SW corner, NE¹/₄, SE¹/₄, Section 24, T-5-N, R-14-W; then N34°02'E 339.8 feet to a pooint in county road R/W; then N7°39'W 317.4 feet to a point in county road R/W; then N31°21'W 282.7 feet to the point of beginning. Subject to all easements and roads, public or private, containing 2.24 acres.

The property address is 1695 South German Lane.

(Variance is for Restoration House of Praise Addition.)

VARIANCE GRANTED:

A variance from the required 25-foot rear setback between the rear property lines of Deerfield Subdivision and a proposed kitchen expansion allowing for a rear setback of 19 feet, or a 6 foot difference subject to the following conditions:

- The proposed structure would not encroach any further than 6 feet into the western setback, creating no less than 19 feet between the proposed structure and the western property line;
- 2. A fully opaque fence of a height no less than 6 feet be constructed along the western property line; and,
- 3. Variance applies only to this proposed structure, and will not be applied to any future structure on the property.

DATE OF BOARD OF ADJUSTMENT MEETING GRANTING VARIANCE:

December 15, 2010

APPROVED PER BZA MINUTES RECORDED IN PC 2010-MINUTES FOLDER

Richard Kirkman, Chairman Board of Zoning Adjustment



View of subject property from S German Ln looking NW



View of subject property's front and landscape setback area



Property adjacent to the E



View of subject property looking N



View of subject property's rear setback area



Property adjacent to the SE

The following is for consideration by the CONWAY PLANNING COMMISSION

Request for Preliminary Plat Approval of Encore Subdivision

Property east of terminus of Lewis Ranch Rd

APPLICANT/AUTHORIZED AGENT

Central Arkansas Professional Surveying 1021 Front St Conway, AR 72032

<u>OWNER</u>

Trinity Development Co, Inc. P.O. Box 1735 Conway, AR 72034



SITE DATA Location. 1320 Lewis Ranch Rd.

Site Area. ±5.40 acres.

Current Zoning. MF-2 (Multi-family District; 18 units/acre).

Adjacent Zoning. North/East/South: A-1 (Agricultural District); West: MF-3 (Multi-Family District) and I-1 (Intermediate Industrial District).

Comprehensive Plan. Single Family.

Master Street Plan. Lewis Ranch Rd – Minor Arterial (80' ROW). Master Street & Trail plan indicates an extension of Lewis Ranch Rd with future connection to Southerland Rd.

Existing Structure. None.

Overlay. None.

Request for Preliminary Plat Approval of Encore Subdivision

Property east of terminus of Lewis Ranch Rd





I.A

Request. The applicant is requesting preliminary approval of a one lot subdivision located at the terminus of Lewis Ranch Rd and 1320 Lewis Ranch Rd. The lot is roughly 5.40 acres and is consistent with the requirements for MF-2 zoning. The subdivision proposes access via Lewis Ranch Road. All proposed streets will require 5-foot sidewalks with a 6.5-foot greenspace. Site development review plans have been submitted. The applicant is proposing five new three-story buildings with 92 units total.

STAFF COMMENTS

- 1. Property was recently rezoned to MF-2 on October 24, 2023 (O-23-89).
- 2. This subdivision will act as a transition from the more densely developed subdivision to the west and the A-1 zoned property to the east. This will act as a lower-density extension of Encore Phase 1.
- 3. The development is consistent with the Comprehensive Plan, including the following goals:

-"Provide opportunities for a variety of housing choices both suitable and affordable situated throughout the City in desirable surroundings which reflect the needs for all citizens."

-"Protect established residential areas from encroachment of incompatible uses and provide a high standard for development and redevelopment of residential areas."

-"Provide a logical pattern of land uses throughout the community incorporating an efficient relationship between transportation, public services, residential, commercial, industrial, and business areas."

STAFF RECOMMENDATIONS

Planning Staff recommends approval of the preliminary plat contingent upon the completion of the amended punch list and associated conditions of approval.

CORRECTIONS NEEDED ON THE PLAT

- 1. Include vicinity map with acreage.
- 2. Correct signature line.
- 3. Provide all easements as indicated by the City Engineer and Conway Corporation.
- 4. Other corrections as required by the City Engineer, Planning Director, and Conway Corporation on the Preliminary Plat/ Street and Drainage Plans.

CONDITIONS

- 1. Wheelchair ramps shall be provided by the developer in accordance with the City of Conway's Standard Details.
- 2. The Street and Drainage Plans/Drainage Report shall be modified to meet the requirements necessary for approval by the City Engineer.
- 3. Address all drainage concerns of the City Engineer related to the impacts of this project and its relationship with neighboring development.
- Fire hydrants must be placed so that the furthest point of a lot in a commercial subdivision is not more than 400 feet from the hydrant located on the same street. Variances must be approved by the Planning Commission and Fire Chief.
- 5. All other applicable provisions of the City of Conway Subdivision Ordinance (O-00-03) shall be satisfied and accounted for prior to Preliminary Plat approval.
- 6. Receipt of an approved copy of the Preliminary Plat along with approved Street and Drainage Plans shall constitute authorization of the Planning Commission for the developer to proceed with the preparation of the Final Plat.

I.A

Property east of terminus of Lewis Ranch Rd



Request for Preliminary Plat Approval of Encore Subdivision

Property east of terminus of Lewis Ranch Rd



View of subject property facing E



View of adjacent property facing N



View of adjacent property facing SW



View of subject property facing NE



View of adjacent property facing NW



Property adjacent to the W

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North side of Tyler St between Brier Springs Dr and Brierwood Circle

APPLICANT/AUTHORIZED AGENT

Tim Lemons Lemons Engineering Consultants, Inc. 204 Cherry Street Cabot, AR 72023 OWNER Ankur Patel Shriya Properties, LLC 815 Oak Street Conway, AR 72032



SITE DATA

Location. 2510 Tyler Street.

Site Area. 1.00 acre ±.

Current Zoning. R-1 (One-Family Residential District).

Adjacent Zoning. North: MF-1 (Multi-Family District 12 units/acre), South: R-1 (One Family Residential District), East: MF-1, West: R-1.

Existing Structures. A 2,461 sf home located in the southern portion of the parcel near Tyler Street.

Overlay. None.

Requested Rezoning. PUD (Planned Unit Development).

Comprehensive Plan. Multi-Family.

Projected Traffic Impact. With a rezoning to PUD and developed as indicated on the plan, the likely increase in traffic impact would be minimal. The applicant is proposing a total of 11 townhomes. If approved, the total anticipated traffic increase is expected to be approximately 79 trips per typical weekday. This traffic will be distributed along Tyler Street via a private drive.

II.A

North side of Tyler St between Brier Springs Dr and Brierwood Circle





II.A

Current Traffic Counts. South of Tyler Street on Tucker Creek Road – 1,400 Average Daily Trips (ADT), Intersection of Flintstone Drive and Tyler Street – 7,700 ADT.

Flood/Drainage. This site is not within any regulated floodplains or floodways.

Utilities. Utilities are present at the site. Developer will need to extend services, including sewer main, to development. All utilities will be provided by Conway Corporation.

Master Street Plan. Tyler Street – Minor Arterial (80' ROW).

Street Improvement. No current improvement plans.

Project Description. The applicant is proposing eleven (11) townhomes. These homes will be accessed with a single private drive off of Tyler Street. No individual townhome will be accessed directly off Tyler Street. The street will be private and will be privately maintained. A PUD is being requested due to the fact there is only 109.99' of frontage along Tyler Street. This would limit the 1-acre lot to one single family home if left zoned R-1. This also cannot be rezoned to MF-1 due to a decrease in the required landscape buffer to the west.

STAFF COMMENTS

- This 1-acre lot only has 109.99' of frontage on Tyler Street. To develop this parcel to its best use, a PUD is required to allow a private drive with additional dwelling units accessing off the private drive.
- The proposed street within the PUD will be developed and maintained as a private street.
- The proposed use and density are consistent with the Comprehensive Plan.
- Approved uses are limited to townhomes.
- Runoff/drainage to be addressed with Engineering. Site plan is currently insufficient.
- All lot dimensions shall be included on the final development plan.

STAFF RECOMMENDATIONS

Staff recommends approval of the rezoning request, pending revisions, with the conditions listed below. The proposed use and density are consistent with the Comprehensive Plan:

- 1. The site shall be limited to townhomes as proposed.
- 2. All standards and uses other than those defined shall be governed by restrictions of the MF-1 zoning district.
- 3. The development shall meet all applicable standards for Article 10 of the Zoning Code.
- 4. New buildings shall be of the following materials:
 - -Brick/stone

-Cement fiber board (Hardie board)

-Wood

-Other materials as approved by the Planning Director

- 5. Vinyl siding shall be prohibited.
- 6. 8' privacy fence along adjacent single-family homes required. Proposed fencing shall be approved by the Planning staff prior to installation.
- 7. An evergreen screen shall be provided along the western property line abutting the residential property. This shall consist of canopy and understory evergreen trees that will screen the property from existing single family homes.
- 8. All other landscaping must meet guidelines found in Article 10 of the Conway Zoning Code, including perimeter landscaping.
- 9. The front unit facing Tyler Street shall have a false front that appears as a single-family home to traffic along Tyler Street. Planning Staff will work with the developer to ensure the unit meets this requirement.
- 10. Setbacks shall be as follows: Front 15', Interior Side 20', Rear 50'.
- 11. Applicant shall plat the property in accordance with the Subdivision Regulations.
- 12. Applicant shall return a signed copy of the final development plan prior to the issuance of building permits.
- 13. All street and roadway improvements shall be privately maintained. A Property Owners' Association or Improvement District shall be required to be formed and operate in perpetuity prior to filing of the final plat, to maintain all common areas and improvements such as streets, sidewalks, and drainage.

SAMPLE MOTION

I move to accept the staff recommendation to approve the request with conditions on the basis that, as conditioned, it allows for appropriate use of the property and would not likely negatively impact adjacent property.



Lemons Engineering Consultants, Inc. 204 West Cherry Street Cabot, Arkansas 72023 (501) 605-7565 arstrep43@gmail.com

April 19, 2024

Ms. Anne Tucker, Director City of Conway Planning and Development 1111 Main Street Conway, Arkansas 72032

Re: Tyler Street PUD 2510 Tyler Street, Conway, AR

Dear Ms. Tucker:

Please accept this letter with attachments as our formal request for a rezone of the referenced property, from its current zoning of R-1, to the planned zoning as a Residential PUD.

Within this PUD, the owner plans to construct eleven (11) townhouse dwellings as shown on the attached plat. The reason that a PUD is necessary is due to the hardship created by the shape of the lot. This tract of land is 1 acre in size, and has only 109.99 feet of frontage along Tyler Street. This shallow width, coupled with the required driveway, creates a difficult scenario when placing buildings within the tract.

Considering that the property to the North and East of the subject tract is presently zoned multifamily (MF), this request should be more than conducive to the neighborhood. Whereas this is a PUD, the specific design drawings will be forthcoming after approval of the rezone, and before the issuance of a work order. I am attaching, to the letter, some additional information pertinent to this request.

We look forward to your comments from your May 1 meeting, and presenting this project at the May 20, Conway Planning Commission meeting. The publication, signage, and notices shall be forthcoming on or before the May 5, deadline. Please contact me if I can be of further assistance.

Sincerely,

Tim Lemons, PE



Lemons Engineering Consultants, Inc. 204 West Cherry Street Cabot, Arkansas 72023 (501) 605-7565 arstrep43@gmail.com

TYLER STEET PUD 2510 TYLER STREET, CONWAY, ARKANSAS

Proposed Land Use:	Residential (Townhouses)
Building Setbacks:	Varies – See PUD Plat (exceeds requirements of similar zonings).
Parking: will provide additional (Each home shall have a one to two car garage. Individual drives parking.
Density:	11 homes on 1 acre (3,960 sf per unit).
Common Space: common space, includ	All areas outside the buildings and driveways shall be considered Ing the area behind the townhouses, and the detention area.
Green Space: strip of property along t	All non-hard surface areas shall be landscaped and/or sodded. A he West boundary (west of the drive) to be landscaped as well.
	Access to and from this site shall be via a Private Drive as shown rive shall meet all ISO requirements, including but not limited to the rth end.
Landecaping:	Landscaping shall be installed along the perimeter of the site.
Architectural Plane:	To be provided by the owner/developer by email on April 19, 2024.
	Due to the narrow dimension and shape of this property, the and landscape requirements make this property essentially JD will allow the flexibility needed in said setbacks.

II.A

POA: The townhouses shall be owned by one individual therefore all maintenance shall be by the owner. This shall include all landscaping, access drive, etc. A draft Bill of Assurance will be provided to the city with the complete cMI plans.

Letter of Authorization: To be provided on or before April 26, 2024.

Perimeter Fencing: Six (6) foot wood privacy fence to be installed along the West, North and East property lines.

Landscaping: The eight (8) foot strip between the West property line and the proposed access drive shall be fully landscaped. Other landscaping shall be provided along the perimeter. A full landscape plan shall be provided with the complete civil plans.

Trash: At the present time, a dumpster is planned near the hammerhead, on the North side of the project.

Garagea: Single car garage, with a driveway that is wide enough to accommodate two vehicles outside the garage.

Common Space: Since there will be one owner, all areas outside the structures and driveways shall be considered common space.

Internal aidewalks: None planned.



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North side of Tyler St between Brier Springs Dr and Brierwood Circle



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II.A

North side of Tyler St between Brier Springs Dr and Brierwood Circle





II.A

North side of Tyler St between Brier Springs Dr and Brierwood Circle



View of subject property from Tyler St looking N



View of adjacent properties facing NW



Property adjacent to the S across Tyler St



View of subject property facing E



Property adjacent to the S across Tyler St



Property adjacent to the S

Staff Report to the Conway Planning Commission ${\scriptstyle \bullet}$ June 2024 ${\scriptstyle \bullet}$ Page 27

APPENDIX

The following items, which do not require public hearings or Planning Commission action, have been reviewed and approved by the Director of Planning & Development and are being reported to the Planning Commission as required by the Zoning Code and Subdivision Ordinance.

Development Review Approvals

- Chuy's, 500 S Amity Rd (SDR-0124-0007)
- Life Storage post approval review, 425 6th St (SDR-0524-0078)

Plats filed for record (Lot Splits, Lot Mergers, and Final Plats)

- Prince Street Palace (P2024-00027)
- Lot 3R of Westhaven Subdivision (P2024-00030)
- Bell Valley Subdivision Phase 5, PUD (P2024-00031)